

FILED

NORTH CAROLINA
WAKE COUNTY

2010 MAY 24 PM 4:33
WAKE COUNTY, C.S.C.

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
09-CVS-2310

LAWYERS MUTUAL LIABILITY
INSURANCE COMPANY OF
NORTH CAROLINA,

Plaintiff,

v.

KEVIN J. STRICKLAND,

Defendant,

and

NORWOOD P. BLANCHARD and
JUDY E. BLANCHARD,

Intervenors.

**ORDER GRANTING PLAINTIFF'S
SECOND SUPPLEMENTAL MOTION
FOR SUMMARY JUDGMENT AND
DENYING MOTION FOR SUMMARY
JUDGMENT OF THE INTERVENORS**
(Rule 56 and NCGS 1-253, *et seq.*)

This cause came on for hearing before the undersigned Superior Court Judge presiding at the May 17, 2010 session of Wake County Civil Superior Court upon the Plaintiff's second supplemental motion for summary judgment filed and served January 25, 2010 and upon the motion for summary judgment of Intervenors Norwood P. Blanchard and Judy E. Blanchard served February 25, 2010;

And the Court having heard argument of counsel for the Plaintiff, having examined the Plaintiff's motion for summary judgment and incorporated brief and its attachments, having heard argument of counsel for the Intervenors and having examined the Intervenors' motion for summary judgment and papers attached to the motion, having heard argument of all parties

desiring to be heard and being of the opinion there is no genuine issue of any material fact and that the Plaintiff is entitled to judgment in its favor as a matter of law, that the Intervenor is not entitled to summary judgment, and that under Rule 56(c) the Plaintiff is entitled to summary judgment against the Intervenor;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED under Rule 56 of the North Carolina Rules of Civil Procedure and under N.C. Gen. Stat. § § 1-253, *et seq.*, that:

A. The professional liability insurance policies issued to Defendant Strickland by the Plaintiff in 2007 and 2008 are void *ab initio* and are of no further force or effect;

B. Lawyers Mutual is under no obligation generally to defend or indemnify Defendant Strickland, and it is particularly under no duty to defend or indemnify Strickland with respect to claims arising from his representation concerning Intervenor Norwood P. Blanchard and Judy E. Blanchard, Robert I. Swinson and the Julian Godwin Trust;

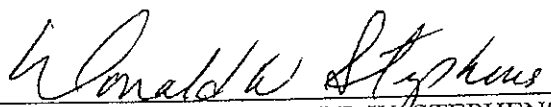
C. Lawyers Mutual is under no further obligation under the 2007 or the 2008 policies of professional liability insurance;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the motion for summary judgment of Intervenor Norwood P. Blanchard and Judy E. Blanchard be, and the same is, denied; that the Intervenor is not entitled to relief in this action; and that their claims set forth in this action are dismissed with prejudice; and

~~All costs of this action are taxed against Defendant Kevin J. Strickland.~~

Parties bear their own costs.

This the 21 day of May, 2010.


THE HONORABLE DONALD W. STEPHENS
Superior Court Judge Presiding